IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Court No.3

Criminal Revision No. 481/2001
(Old No. 1780/1993)

Ram Chandra ....Revisionist.

Vs.

State of U.P. and another ...Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri N.C. Gupta learned counsel for the revisionist and Sri H.C. Pandey learned A.G.A. for State and perused the record.

2- This revision under sections 397/401 of the Code of Criminal Procedure has been preferred against the summoning order dated 11.8.1992. The revision application was filed on 8.10.1993 beyond stipulated period of limitation. The application for condonation of delay was filed, supported by the affidavit that he was not aware of the summoning order because he reside in Haldwani at a distance of about 70 kilometers from Kashipur and since flood situation was prevailing he could not travel to Allahabad to file the revision application in time. Having considered the averment of the affidavit I am of the view that the cause shown is not sufficient. There is nothing on record to indicate that flood had prevented movement of the transport facilities and, therefore, the application for condonation of delay is liable to be rejected.

3- The application under section 5 of the Limitation Act is rejected and as a corollary to it the revision application can not be admitted and the same is dismissed in limine.

(Irshad Hussain, J.)

Dated: 18.11.2003

ISB